

Application No. 09/659,643
Amendment dated June 23, 2008
Reply to Office action of April 22, 2008

REMARKS/ARGUMENTS

Reconsideration of this application, as presently amended, is respectfully requested.

While Applicants appreciate that they cannot amend the finally rejected claims as a matter of right, they believe that the present amendment is deemed necessary to place the application in condition for immediate allowance or, at the very least, to remove issues for appeal. Basically, the amendment obviates the rejections of record by reciting those combinations specifically exemplified in the application as possessing synergistic activity over the chemotherapeutic agent(s) alone.

The claims, if amended as proposed, do not present any new issues requiring further consideration or search. This amendment requires only a cursory review by the Examiner. Moreover, the present amendment adds no new matter into the application.

Under the guidelines of M.P.E.P. § 714.13, any refusal to enter the proposed amendment should not be arbitrary. The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance or whether the issues on appeal are simplified. Applicants therefore hope that the Examiner will kindly enter the proposed amendment, reconsider the rejections of record and allow the pending claims.

The Examiner rejects Claims 15 and 18 under 35 U.S.C. § 112, first and second paragraphs, for reasons given on pages 2-7 of the Office action. Although Applicants respectfully disagree with the merits of the two rejections under Section 112, the claims have been rewritten for the better readability thereof in order to address all of the Examiner's voiced concerns to gain an allowance. As a result of the present amendment, there should be no further doubt in the Examiner's mind that the written description requirement is now satisfied; and the claims are definite.

The Examiner rejects Claims 15 and 18 under 35 U.S.C. § 103(a) as being obvious over Francis *et al.* in view of U.S. Patent No. 5,545,662 for grounds given on pages 8-17 of the Office action. Although Applicants respectfully disagree with the merits of the rejection, they are amending the claims to draw the recited subject matter to the specific combinations demonstrating synergistic results in the application and to place the application in condition for an immediate allowance.

In view of the amendment and the foregoing remarks, Applicants respectfully ask that the Examiner kindly withdraw all current rejections of Claims 15 and 18, and allow the application.

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If any outstanding issue remains, the Examiner is invited to contact the undersigned attorney for a discussion of mutually agreeable solutions.

Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

WYETH

Date: June 23, 2008

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